



MILLENNIUM
CHALLENGE CORPORATION
UNITED STATES OF AMERICA

2012 FOIA Annual Report

For fiscal year 2012, October 1, 2011 through September 30, 2012

I. Basic Information Regarding Report

**A. Name, title, address, and telephone number of person(s)
to be contacted with questions about the report:**

John C. Mantini, Chief FOIA Officer
Millennium Challenge Corporation
875 Fifteenth Street, NW
Washington, DC 20005
Telephone: (202) 521-3863
E-mail: foia@mcc.gov

B. Electronic address for the report on the World Wide Web:

<http://www.mcc.gov/pages/foia>

C. How to obtain a copy of the report in paper form:

Contact Mr. Mantini at the address or telephone number listed above.

II. Making a FOIA Request

**A. Names, addresses and telephone numbers of all individual MCC
components and offices that receive FOIA requests:**

John C. Mantini, Chief FOIA Officer
Millennium Challenge Corporation
875 Fifteenth Street, NW
Washington, DC 20005

Telephone: (202) 521-3863

E-mail: foia@mcc.gov

B. Brief description of why some requests are not granted:

- MCC denied one (1) information requests in FY 2012 invoking Exemption 4.
- MCC denied part of one (1) information request in FY2012 invoking Exemption 4.
- MCC denied part of one (1) information request in FY2012 invoking Exemption 5.
- MCC denied part of eight (8) information requests in FY2012 invoking Exemption 6.
- MCC denied four (4) entire information requests in FY2012 because there were no records responsive to the requests.
- MCC denied one (1) entire information requests in FY2012 because they were not a MCC record.

III. Acronyms, Definitions, and Exemptions

A. Agency-specific acronyms or other terms

MCC

Millennium Challenge Corporation. The independent executive agency established by Congress in the Millennium Challenge Act of 2003.

B. Basic terms, expressed in common terminology

Administrative Appeal

a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

Average Number

the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

Backlog

the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

Component

for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

Consultation

the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in

the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

Exemption 3 Statute

a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

FOIA Request

a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

Full Grant

an agency decision to disclose all records in full in response to a FOIA request.

Full Denial

an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

Median Number

the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

Multi-Track Processing

a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

Expedited Processing

an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

Simple Request

a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

Complex Request

a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

Partial Grant/Partial Denial

in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

Pending Request or Pending Administrative Appeal

a request or administrative appeal for which an agency has not taken final action in all respects.

Perfected Request

a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

Processed Request or Processed Administrative Appeal

a request or administrative appeal for which an agency has taken final action in all respects.

Range in Number of Days

the lowest and highest number of days to process requests or administrative appeals.

Time Limits

the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

C. Concise descriptions of the nine FOIA exemptions

Exemption 1

classified national defense and foreign relations information

Exemption 2

information that is related solely to the internal personnel rules and practices of an agency.

Exemption 3

information that is prohibited from disclosure by another federal law

Exemption 4

trade secrets and other confidential business information

Exemption 5

inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6

information involving matters of personal privacy

Exemption 7

records or information compiled for law enforcement purposes, to the extent that the production of those records (a) could reasonably be expected to interfere with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (f) could reasonably be expected to endanger the life or physical safety of any individual

Exemption 8

information relating to the supervision of financial institutions

Exemption 9

geological information on wells

IV. Exemption 3 Statutes**A. List of Exemption 3 statutes relied on by MCC during FY 2012**

List of Exemption 3 statutes relied on by MCC during FY 2012

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
N/A	N/A	N/A	0	0

V. FOIA Requests**A. Received, Processed and Pending FOIA Requests**

Received, Processed and Pending FOIA Requests

V.A	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of Fiscal Year
Agency Overall	0	29	29	0

@. Disposition of FOIA Requests

1. Disposition of FOIA Requests—All Processed FOIA Requests

Disposition of FOIA Requests—All Processed FOIA Requests

V. B.1	N u m b e r o f F u l l G r a n t s	N u m b e r o f P a r t i a l G r a n t s / P a r t i a l D e n i a l s	N u m b e r o f F u l l D e n i a l s B a s e d o n E x e m p t i o n s	Number of Full Denials Based on Reasons Other than Exemptions	T o t a l

				No Re co rds	All Re co rds Re fer red to An ot he r C om po ne nt or Ag en cy	R eq ue st Wi th dr aw n	F ee- Rel ate d Re as on	R ec or ds no t R ea so na bly De scr ibe d	I mp ro pe r FOI A Re qu est of Ot he r Rea son	No t A ge nc y Re c or d	D upl ica te Re qu est	O th er	
A gen cy Ov eral I	9	10	1	4	2	0	0	1	1	1	0	0	29

2. Disposition of FOIA Requests—“Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V.B.1 Chart

Disposition of FOIA Requests—“Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V.B.1 Chart

V.B.2	Description of “Other” Reasons for Denials from Chart B(1) & Number of Times Those Reasons Were Relied Upon	Number of Times “Other” Reason Was Relied Upon	Total
Agency Overall	N/A	0	0

Disposition of FOIA Requests—Number of Times Exemptions Applied

Disposition of FOIA Requests—Number of Times Exemptions Applied

V.B.3	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)
Agency Overall	0	0	0	2	1	8	0	0	0	0	0

Administrative Appeals of Initial Determinations of FOIA Requests

A. Received, Processed and Pending Administrative Appeals

Received, Processed and Pending Administrative Appeals

<i>VIA</i>	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of Fiscal Year
Agency Overall	0	1	1	0

B. Disposition of Administrative Appeals—All Processed Appeals

Disposition of Administrative Appeals—All Processed Appeals

VI.B	Number of Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
Agency Overall	1	0	0	0	1

C. Reasons for Denial on Appeal

1. Reasons for Denial on Appeal—Number of Times Exemptions Applied

Reasons for Denial on Appeal—Number of Times Exemptions Applied

VI.C.1	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)
Agency Overall	0	0	0	0	0	0	0	0	0	0	0

2. Reasons for Denial on Appeal—Reasons Other than Exemptions

Reasons for Denial on Appeal—Reasons Other than Exemptions

VI.C.2	No Reco rds	Rec ords Refer red at Initia l Req uest Level	Req uest With draw n	Fee -Rela ted R easo n	Rec ords not R easo nably Desc ribed	Imp roper Req uest for Othe r Rea sons	Not Agen cy Re cord	Dup licate Req uest or A ppea l	Req uest in Lit igati on	App eal Base d Sole ly on Deni al of Req uest for E xped ited Proc essin g	Othe r (*E xplai n in chart belo w)
Age ncy O verall	1	0	0	0	0	0	0	0	0	0	0

3. Reasons for Denial on Appeal—"Other" Reason from Section VI.C.2 Chart

Reasons for Denial on Appeal—"Other" Reason from Section VI.C.2 Chart

VI.C.3	Description of "Other" Reasons for Denial on Appeal from Chart C(2) & Number of Times Those Reasons Were Relied upon	Number of Times "Other" Reason Was Relied Upon	Total
Agency Overall	N/A	0	0

4. Response Time for Administrative Appeals

Response Time for Administrative Appeals

VI.C.4	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
Agency Overall	20	20	20	20

5. Ten Oldest Pending Administrative Appeals

VI.C.5	10th Olde st Ap peal	9th	8th	7th	6th	5th	4th	3rd	2nd	Old est A ppea l
Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	0	0	0	0	0	0	0	0	0	0

A Requests: Response Time for Processed and Pending Requests

A. Processed Requests—Response Time for All Processed Perfected Requests

Processed Requests—Response Time for All Processed Perfected Requests

VII.A	Simple				Complex				Expedited Processing			
	Me dian Num ber of Days	Ave rage Num ber of Days	Lo west Num ber of Days	Hig hest Num ber of Days	Me dian Num ber of Days	Ave rage Num ber of Days	Lo west Num ber of Days	Hig hest Num ber of Days	Me dian Num ber of Days	Ave rage Num ber of Days	Lo west Num ber of Days	Hig hest Num ber of Days
Age ncy O verall	17	15	3	21	0	0	0	0	0	0	0	0

B. Processed Requests—Response Time for Perfected Requests in which Information was Granted

Processed Requests—Response Time for Perfected Requests in which Information was Granted

VII.B	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
Agency Overall	17	15	3	20	0	0	0	0	0	0	0	0

C. Processed Requests—Response Time in Day Increments

Simple Requests

VII.C	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
Agency Overall	28	1	0	0	0	0	0	0	0	0	0	0	0	29

Complex Requests

VII.C	1-2 0 Day s	21- 40 Day s	41- 60 Day s	61- 80 Day s	81- 100 Day s	101- 120 Day s	121- 140 Day s	141- 160 Day s	161- 180 Day s	181- 200 Day s	201- 300 Day s	301- 400 Day s	401+ Day s	TO TAL
Ag ency Over all	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Requests Granted Expedited Processing

VII. C	1-2 0 D ays	21- 40 Da ys	41- 60 Da ys	61- 80 Da ys	81- 100 Da ys	101- 120 Da ys	121- 140 Da ys	141- 160 Da ys	161- 180 Da ys	181- 200 Da ys	201- 300 Da ys	301- 400 Da ys	401+ Da ys	T OT AL
Ag enc y Ov erall	0	0	0	0	0	0	0	0	0	0	0	0	0	0

D. Pending Requests—All Pending Perfected Requests

Pending Requests—All Pending Perfected Requests

	Simple				Complex				Expedited Processing			
VII.D	Me dian Num ber of Day s	Av erag e Nu mbe r of Day s	Lo wes t Nu mbe r of Day s	Hig hest Num ber of Day s	Me dian Num ber of Day s	Av erag e Nu mbe r of Day s	Lo wes t Nu mbe r of Day s	Hig hest Num ber of Day s	Me dian Num ber of Day s	Av erag e Nu mbe r of Day s	Lo wes t Nu mbe r of Day s	Hig hest Num ber of Day s
Age ncy Over all	0	0	0	0	0	0	0	0	0	0	0	0

E. Pending Requests—Ten Oldest Pending Perfected Requests

Pending Requests—Ten Oldest Pending Perfected Requests

<i>VII.E</i>	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
Date of Receipt of Ten Oldest Requests	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	0	0	0	0	0	0	0	0	0	0

Requests for Expedited Processing and Request for Fee Waiver**A. Requests for Expedited Processing**

Requests for Expedited Processing

<i>VIII.A</i>	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
Agency Overall	0	0	0	0	0

B. Requests for Fee Waiver

Requests for Fee Waiver

VIII.B	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
Agency Overall	0	0	0	0

FOIA Personnel and Costs

A. Personnel

B. Costs

Costs

IX.A&B	Personnel			Costs		
	Number of “Full- Time FOIA Employee s”	Number of “Equiva lent Full- Time FOIA Employee s”	Total Number of “Full-Time FOIA Staff”	Processin g Costs (At initial request and appeal levels)	Litigatio n-Related Costs	Total Costs
Agency	0	0.15	0.15		\$0	

IX.A&B	Personnel			Costs		
	Number of “Full-Time FOIA Employees”	Number of “Equivalent Full-Time FOIA Employees”	Total Number of “Full-Time FOIA Staff”	Processing Costs (At initial request and appeal levels)	Litigation-Related Costs	Total Costs
Overall				\$15,000.00		\$15,000.00

Fees Collected for Processing Requests

Fees Collected for Processing Requests

X.	Total amount of Fees Collected	Percentage of Total Costs
AGENCY OVERALL	\$0	0%

FOIA Regulations

<http://www.mcc.gov/documents/guidance/mcc-foia-regulation.pdf>

Backlogs, Consultations and Comparisons

A. Backlogs of FOIA Requests and Administrative Appeals

Backlogs of FOIA Requests and Administrative Appeals

XII.A	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
Agency Overall	0	0

B. Consultations on FOIA Requests—Received, Processed and Pending Consultations

Consultations on FOIA Requests—Received, Processed and Pending Consultations

XII.B	Number of Consultations Received from Other Agencies that were <i>Pending at MCC as of Start of the Fiscal Year</i>	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <i>Processed by MCC During the Fiscal Year</i>	Number of Consultations Received from Other Agencies that were <i>Pending at MCC as of End of the Fiscal Year</i>
Agency Overall	0	0	0	0

C. Consultations on FOIA Requests—Ten Oldest Consultations Received from Other Agencies and Pending MCC

Consultations on FOIA Requests—Ten Oldest Consultations Received from Other Agencies and Pending MCC

XII.C	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
Date of Receipt of Ten Oldest Consultations	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	0	0	0	0	0	0	0	0	0	0

D. Comparison of Numbers of Requests from Previous and Current Annual Report—Requests Received, Processed and Backlogged

Comparison of Numbers of Requests from Previous and Current Annual Report—Requests Received, Processed and Backlogged

XII.D.1	Number of Requests <i>Received</i>		Number of Requests <i>Processed</i>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
Agency Overall	26	29	26	29

XII.D.2	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
Agency Overall	0	0

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report—Appeals Received, Processed and Backlogged

Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report—Appeals Received, Processed and Backlogged

XII.E.1	Number of Appeals <i>Received</i>	Number of Appeals <i>Processed</i>

	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
Agency Overall	1	1	1	1

XII.E.2	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
Agency Overall	0	0

F. Discussion of Other FOIA Activities (Optional)